

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GABRIEL RIOS,

Defendant.

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8:07CR306

ORDER

This matter is before the court on the motion of defendant Gabriel Rios (Rios) to review detention (Filing No. 19). An evidentiary hearing was held on the motion on October 19, 2007. Rios was present with his retained counsel, James Beckman. No evidence was presented and Rios was provided additional time in which to submit citation of legal authorities regarding release as noted in his motion. Rios filed a brief in this matter on October 22, 2007 (Filing No. 23).

Rios is charged with using a false identity to obtain employment in the United States while being in the United States illegally. Rios was previously detained as a flight risk at his initial appearance (Filing No. 9). Rios cannot be employed and has used another person's identity to obtain employment. No evidence was presented that a responsible U.S. citizen would serve as a third party custodian and provide for Rios pending the disposition of these charges. While Rios may not want to flee the United States, he is facing a mandatory sentence of imprisonment in this case. He has shown an ability to assume another person's identity. He would have the ability to abscond from the immediate area and take up an assumed lifestyle with his family at another location in the United States.

Under, the circumstances, the court retains the finding that Rios is a flight risk and there are no conditions of release shown which would reasonably assure his presence for further proceedings in this case.

IT IS ORDERED:

Rios's motion for release (Filing No. 19) is denied.

DATED this 9th day of November, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge